

# Senate Study Bill 3131

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CO=CHAIRPERSON QUIRMBACH)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to county board of supervisor vacancies.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5601SK 81  
4 eg/sh/8

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1 1 Section 1. Section 331.214, Code 2005, is amended to read  
1 2 as follows:  
1 3 331.214 VACANCY OF SUPERVISOR'S OFFICE.  
1 4 ~~1. In addition to the~~ The circumstances which constitute a  
1 5 vacancy in office under section 69.2, ~~the absence of a~~  
1 6 ~~supervisor from the county for sixty consecutive days~~ shall be  
1 7 treated as a resignation of the office. At its next meeting  
1 8 after the sixty-day absence, the board, by resolution adopted  
1 9 and included in its minutes, shall declare the absent  
1 10 supervisor's seat vacant.

1 11 ~~2. a. If the physical or mental status of a supervisor is~~  
1 12 ~~in question, the board shall decide whether a vacancy exists.~~  
1 13 ~~The board shall comply with the notice and hearing~~  
1 14 ~~requirements of section 69.2, subsection 2. After a hearing,~~  
1 15 ~~the board, by resolution adopted and included in its minutes,~~  
1 16 ~~may declare the supervisor's seat vacant if the board~~  
1 17 ~~determines either of the following:~~

1 18 ~~(1) That the supervisor is physically or mentally~~  
1 19 ~~incapable of performing the duties of office and there is~~  
1 20 ~~reasonable cause to believe that the supervisor will not be~~  
1 21 ~~able to perform the duties of office for the remainder of the~~  
1 22 ~~supervisor's term. To make this determination, the board~~  
1 23 ~~shall appoint two physicians to examine the supervisor and~~  
1 24 ~~receive the report of the physicians as evidence at the~~  
1 25 ~~hearing. The board may only declare the supervisor's seat~~  
1 26 ~~vacant if both physicians concur that the supervisor is~~  
1 27 ~~physically or mentally incapable of performing the duties of~~  
1 28 ~~office and there is reasonable cause to believe that the~~  
1 29 ~~supervisor will not be able to perform the duties of office~~  
1 30 ~~for the remainder of the supervisor's term.~~

1 31 ~~(2) That the supervisor refuses or is unavailable for the~~  
1 32 ~~examination required in subparagraph (1).~~

1 33 ~~b. A supervisor whose seat is declared vacant under this~~  
1 34 ~~subsection may appeal the board's decision to the district~~  
1 35 ~~court.~~

## EXPLANATION

2 1 This bill addresses vacancies that may occur in the county  
2 2 board of supervisors. The bill makes Code section 331.214  
2 3 relating to a supervisor vacancy consistent with Code section  
2 4 69.2 that applies to any vacancy in public office. The bill  
2 5 also requires that if the physical or mental status of a  
2 6 supervisor is in question, a county board of supervisors must  
2 7 decide whether a vacancy exists. To declare a vacancy, the  
2 8 board must follow notice and hearing procedures set forth in  
2 9 Code section 69.2, appoint two physicians to examine the  
2 10 supervisor, and if the two physicians concur that the  
2 11 supervisor is incapable of performing the duties of office and  
2 12 probably will be incapable for the remainder of the  
2 13 supervisor's term, the board may declare a vacancy. If a  
2 14 supervisor refuses or is unavailable for examination, the  
2 15 board may, after notice and hearing, declare the supervisor's  
2 16 seat vacant. A supervisor may appeal a board's decision to

2 18 the district court.  
2 19 LSB 5601SK 81  
2 20 eg:rj/sh/8.1